



Paper No. 10

UNITED STATES SURGICAL CORP  
150 GLOVER AVENUE  
NORWALK, CT 06856

**COPY MAILED**

**AUG 6 2001**

In re Application of  
Dominick L. Mastri, et al.  
Application No. 09/625,886  
Filed: July 26, 2000  
Attorney Docket No. 1695 CIP CON

**OFFICE OF PETITIONS  
A/C PATENTS**  
**DECISION ON  
RENEWED PETITION**

This is a decision on the petition under 37 CFR §1.137(b), June 28, 2001, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of \$1240.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed September 26, 2000. The Notice set forth a three (3) month statutory period for reply. Accordingly, this application became abandoned on December 27, 2000. A Notice of Abandonment was mailed on February 13, 2001. A petition under 37 CFR 1.137(b) was first filed on May 11, 2001, but the petition was dismissed on May 24, 2001, because petitioner failed to remit the issue fee as required.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

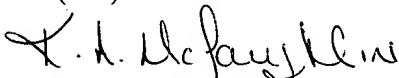
There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

The issue fee of \$1240.00 was received on July 25, 2001, and is accepted.

Form PTOL-85B, filed July 25, 2001, is acknowledged and made of made of record.

The application is being forwarded to Technology Center 3700 for review of the Request for Continued Prosecution originally filed May 11, 2001.

Telephone inquiries concerning this matter may be directed to Kenya A. McLaughlin, Petitions Attorney, at (703) 305-0010.



Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc:

Paul J. Farrell  
Dilworth & Barrese  
333 Earle Ovington Boulevard  
Uniondale, New York 11553